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EEOC Chair Needs “A Few Good (White) Men”

“A Few Good Men” is an award-winning movie directed by the late Rob Reiner and starring Jack Nicholson, Tom Cruise and Demi Moore, among others. Nicholson, playing Colonel Jessup, shouted, “You can’t handle the truth!” upon cross examination by Tom Cruise in a case where two Marines are charged with murdering another Marine at Jessup's orders.

EEOC Chair Andrea Lucas posted a video on social media addressing white men—not limited to a few good ones. In the video, Chair Lucas asked, “Are you a white male who has experienced discrimination at work based on your race or sex? You may have a claim to recover money under federal civil rights laws. Contact the EEOC as soon as possible. Time limits are typically strict for filing a claim.” This posting is most unusual in the history of the EEOC but is consistent with prior recent appeals for U.S. citizens to file national origin claims. As former EEOC Chair Chai Feldblum stated, “EEOC doesn't go out looking for discrimination.”

Over half of all charges filed with the EEOC involved a termination decision. Absent direct evidence—“He's too old”—discrimination is most often shown by an employer's inconsistent application of policy or performance expectations. The direct appeal to White men reflects the Administration’s position that White men have been systematically disadvantaged by DEI initiatives, affirmative action programs, and employer fear of litigation by minorities or women. Expect the Commission to sift through such complaints to search for opportunities to file class-based claims for failure to hire, failure to promote, and reduction in force cases against employers that have or recently had DEI or affirmative action programs or policies.

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